

**No. 23-4509**

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**IN THE UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT**

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**UNITED STATES OF AMERICA ..... *Plaintiff-Appellee,***

***Versus***

**RUSSELL LUCIUS LAFFITTE ..... *Defendant-Appellant.***

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**APPELLEE’S CERTIFICATE OF CONFIDENTIALITY  
FOR RESPONSE TO MOTION FOR  
RELEASE PENDING APPEAL**

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The United States, by and through its undersigned counsel, hereby certifies under Local Rule 25(c)(1) that its forthcoming response to Appellant Russell Lucius Laffitte’s Motion for Release Pending Appeal contains materials held under seal by the district court.

The following sealed materials will be referenced or disclosed:

- Dkt. 212 – Transcript of in camera Interview with Juror 88
- Dkt. 242 – Laffitte’s Brief Regarding Admissibility of Jurors’ Affidavits
- Dkt. 254 – Laffitte’s Supplemental Motion for New Trial and Partial Reply to Government’s Response in Opposition to Original Motion for New Trial

- Dkt. 260 – Government’s Consolidated Response in Opposition to Laffitte’s Memorandum Regarding the Applicability of Rule 606(b) and Supplemental Motion for a New Trial
- Dkt. 269 – Sealed Order Regarding Admissibility of Juror Affidavits
- Dkt. 281 – Laffitte Request re Juror 88 Affidavit
- Dkt. 282 – Order Regarding Laffitte Request re Juror 88 Affidavit

These documents remain under seal pursuant to the district court’s March 6, 2023, order and the findings contained therein. Dkt. 269 at 20 (continuing “order that neither the parties nor their counsel shall disclose the content of the [juror] affidavits to any third party and may not describe or quote them in any public filing unless authorized by further order of this Court or a reviewing court of appeals”).

The United States will file its response to Laffitte’s Motion for Release Pending Appeal, which will reference the above-listed sealed materials. As required by Local Rule 25(c)(3)(B), two versions of the Government’s response will be filed: a complete version under seal in which the sealed material has been highlighted and a redacted version of the same document for the public file with placeholders for sealed exhibits.

Respectfully submitted,

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